

APPEAL NO. 041838  
FILED SEPTEMBER 14, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on June 30, 2004. The hearing officer resolved the disputed issue by deciding that the appellant (claimant) did not have disability resulting from the compensable injury sustained on \_\_\_\_\_, for the period beginning on July 8, 2003, and continuing through the date of the CCH. The claimant appealed, arguing that the hearing officer's disability determination is against the great weight and preponderance of the evidence. The respondent (carrier) responded, urging affirmance.

DECISION

Affirmed.

The parties stipulated that on \_\_\_\_\_, the claimant sustained a compensable injury. At issue was whether the claimant had disability after July 7, 2003. The claimant had the burden to prove that she had disability as defined by Section 401.011(16). Conflicting evidence was presented at the CCH on the disputed issue. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the finder of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The hearing officer noted that no credible explanation was offered to account for the claimant's alleged continuing pain and limitations. Although there is conflicting evidence in this case, we conclude that the hearing officer's determination that the claimant did not have disability for the period beginning on July 8, 2003, and continuing through the date of the CCH is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

We affirm the decision and order of the hearing officer.

The true corporate name of the insurance carrier is **AMERICAN CASUALTY COMPANY OF READING, PENNSYLVANIA** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEM  
350 NORTH ST. PAUL  
DALLAS, TEXAS 75201.**

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Margaret L. Turner  
Appeals Judge

CONCUR:

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Judy L. S. Barnes  
Appeals Judge

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Veronica L. Ruberto  
Appeals Judge